

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of SF Properties (hereinafter the Petitioner) for the property located at 403, 409 & 411 Mass. Ave. Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F3 Parcels 108 & 114.

This Decision is in response to an application submitted to the Board on August 26, 2005 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to raze two existing buildings and construct a 3,500 square foot new office building with associated parking.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on October 17, 2005 at 7:45 PM and continued until November 1st 8:45 PM, and closed November 14th at 8:30 PM in the Selectmen's Hearing Room at the Acton Town Hall. Board members Walter Foster, Peter Ashton, F. Dore Hunter and Lauren Rosenzweig were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

Exhibit I

A properly executed application for Site Plan approval received August 26, 2005, a certified abutters list, legal description. Seven-sheet set of engineered plans dated August 25, 2005 revised November 8, 2005. A six-sheet set of building plans not dated. Two letters from Edens & Avant dated October 17 and November 14, 2005.

Exhibit II

Interdepartmental Communication (IDC) from the Town Manager to the Town Staff requesting comments. The following IDC's were received:

1. Building Commissioner dated October 14, 18, 27, 31 and November 10, 2005
2. Town Planner dated October 3, 2005
3. Fire Chief dated October 4, 2005
4. Municipal Properties Director dated August 31, revised November 2, 2005
5. Engineering Administrator dated September 30, 2005
6. Health Department dated September 9, 2005
7. Transportation Advisory Committee dated October 17 and November 8, 2005

Exhibit I is hereinafter referred to as the Plan:

1.0 Findings and Conclusions

Based upon its review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in Kelley's Corner Zoning District and Zone 4 of the Groundwater Protection District and the USE is allowed in both the Kelley's Corner Zoning District and Zone 4.
- 1.2 The revised Plan does not provide for a sidewalk along Exxon property connecting to the sidewalk along Main Street. The Petitioner has agreed to install the sidewalk.
- 1.3 The abutter who owns "No Name" street has agreed to allow the Petitioner to construct a cut out across "No Name".

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- 1.4 The Petitioner has agreed to make every attempt to keep as many of the current parking spaces open for use during construction.
- 1.5 The Plan provides for the existing Norway Maples to be saved. The Board finds that because of the need for a sidewalk along "No Name" the existing trees root system will be disturbed. The Board finds the trees shall be replaced with an equal number of trees of 3" caliper.
- 1.6 The Engineering Department noted the Petitioner did not indicate the c-value and how the value was determined. The Plan provides for drywells for roof runoff. The Petitioner has not provided calculations on how the drywells were sized. The Bylaw requires all one-way driveways to be 14' wide. The driveway in the northwest corner of the site is only 12' feet wide. The Rules and Regulations for Site Plan Special Permit require two temporary bench marks based on elevations set to the National Geodetic Vertical Datum of 1929. The Petitioner has only provided for one. The Plan does not specify what the thickness of the gravel base is for asphalt sidewalk. The Board finds the missing information should be added to the plan.
- 1.7 The Plan as herein modified:
 - Will protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
 - Will provide for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation including emergency vehicles, on or adjoining the site.
 - Will provide an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
 - Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
 - Is consistent with the Master Plan.
 - Is in harmony with the purpose and intent of this Bylaw.
 - Will not be detrimental or injurious to the neighborhood in which it is to take place.
 - Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted 4-0 to **GRANT** the requested Site Plan Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 **Plan Modifications**

Prior to the issuance of a Building Permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit five copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 1.1 Revise the Plan to provide for a sidewalk along "No Name" connecting to the sidewalk located on Main Street.

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- 2.2 Revise the Plan to show the existing Norway Maples to be replaced with new 3" caliper trees approved by the Municipal Properties Director.
- 2.3 Revise the plan to show a new curb cut across "No Name" to the existing sidewalk.
- 2.4 The drainage calculations shall be revised to provide the c-value and how it was determined.
- 2.5 The drainage calculations shall be revised to include a size of the drywell and how the size was determined.
- 2.6 The one-way driveway shall be increased to 14' wide.
- 2.7 Two temporary bench marks referenced to the National Geodetic Vertical Datum of 1929 shall be provided.
- 2.8 The plan shall be revised to show the thickness of the gravel base for the asphalt sidewalk.

3.0 Conditions

- 3.1 The existing parking shall be maintained to the extent possible during construction.
- 3.2 Prior to occupancy or use of any new building constituting a part of the project, an as-built plan shall be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor. The swale shall be inspected to insure no ponding shall occur along Main Street.

4.0 Limitations

The Authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site, which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Site Plan Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The hauling of earth to and from the site shall be restricted to the hours between 9:00 AM and 4:00 PM Monday through Saturday.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the Acton Zoning Bylaw.

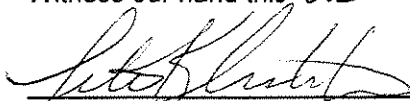
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- 4.7 This Site Plan Special Permit shall lapse on January 23, 2007 unless work approved by this permit has commenced except for good cause. Any request for extensions shall be made at least thirty (30) days prior to expiration. The Board reserves the right to amend the permit by its own or at the request of the Petitioner with or without a new hearing.

5.0 Appeals

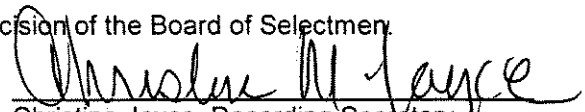
Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this 23 day of Jan, 2006



Peter Ashton, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.



Christine Joyce, Recording Secretary

January 24, 2006

Date filed with Town Clerk



Eva K. Bowen, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of SF Properties has passed and there have been no appeals made to this office.

Date

Eva K. Bowen, Town Clerk

cc: Petitioner
Building Commissioner
Planning Board
Engineering
Conservation
Director of Municipal Properties
Board of Health
Town Clerk
Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle, Boxboro, Stow, Sudbury